

REMARKS

In response to the Office Action dated January 4, 2010, Applicants respectfully request reconsideration and allowance. No new matter has been added

35 U.S.C. § 103 Rejections

Claims 1, 3-5, 7-12, 14, and 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub.2002/0099936 (Kou) in view of U.S. Patent No. 2003/0061512 (Flurry). These rejections are respectfully traversed as Kou in view of Flurry does not teach, disclose, suggest, or make obvious, *inter alia*, the ESID as recited in the respective independent claims.

For a proper rejection under 35 U.S.C. §103(a), the Office “bears the initial burden of factually supporting any *prima facie* conclusion of obviousness” and must therefore present “a clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP §2142. An obviousness rejection “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395. MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The rejection over Flurry in view of Kou fails to satisfy this burden with regards to the currently pending claims.

The Examiner asserts that the cookies discussed in Kou teach the ESID recited in the claims. As discussed in this and prior responses, Applicants respectfully disagree that Kou teaches the ESID as claimed.

Kou discusses secure session management and authentication between web sites and web clients. Abstract. The system includes a web server 12 and a web client 16. *Id.* at ¶29.

The web client 16 includes software for creating and maintaining websites that are accessed via the web server 12. *Id.* The web server 12 also includes a cookie generator 26. *Id.* The cookie generator 26 produces a session cookie 40 and authcode cookie 42 and provides it to the web client 16. *Id.* at ¶¶ 29, 39. For example, a Process B described in Kou relates to the creation of guest account and session cookies that occurs at the web server 12, and not at the web client 16. ¶ 50.

Regarding paragraphs 67-69 of Kou, the Examiner asserts that these paragraphs teach “wherein the ESID is generated by the web browser at the client machine.” Applicants respectfully disagree. These paragraphs discuss a process that is used to handle a case when a registered client 46 logs out of a website 20. Web server 12 updates the session cookie 40 and authcode cookie 42 such that all attributes contain null values. *Id.* at ¶ 50. Web server 12 then sends the updated session cookie and the updated authcode cookie 42 to the web browser of the registered client 46. *Id.* at ¶ 50. Even if the cookies discussed in Kou were the same as the ESID recited in the claims, the paragraphs cited by the Examiner still do not discuss that the client 46 originally generates any of the cookies discussed therein.

Turning to Flurry, the Examiner also appears to assert that Flurry teaches the claimed ESID by its discussion of an aggregator token in paragraphs 76-79. Flurry discusses a client 400 and an aggregator server 402 that participate in a single sign-on process that uses the aggregator token. Flurry, Fig. 4. According to the cited portions of Flurry, the aggregator server 402 generates an aggregator token 420 in response to a webpage request 406 from a client 400. Flurry, ¶ 14, Fig. 4. The aggregator token 420 provided by the aggregator server 402 is then stored by the client 400. Flurry, ¶ 14, 38, Fig. 4. Even if the aggregator token 420 were the same as the ESID recited in the respective claims, Flurry still does not discuss that the client 400 originally generates the aggregator token 420.

With regard to claim 1, this claim is patentable over Kou in view of Flurry because it recites “the ESID being originally generated by a client machine.” As discussed above, even if the cookie discussed in Kou and the token discussed in Flurry were the same thing as the ESID claimed in this claim (which Applicants assert that they are not), neither Kou nor Flurry discusses that they are originally generated by a client machine. Thus, for least these reasons, this claim is patentable over Kou in view of Flurry.

For at least the reasons stated above with respect to independent claim 1, dependent claims 3-5 and 7-11, which depend from independent claim 1, are patentable over Kou in view of Flurry.

With regard to claim 12, this claim is patentable over Kou in view of Flurry because it recites “the ESID being originally generated by the client.” As discussed above, even if the cookie discussed in Kou and the token discussed in Flurry were the same thing as the ESID claimed in this claim (which Applicants assert that they are not), neither Kou nor Flurry discusses that they are originally generated by a client machine. Thus, for least these reasons, this claim is patentable over Kou in view of Flurry.

For at least the reasons stated above with respect to independent claim 12, dependent claims 14, and 16-17, which depend from independent claim 12, are patentable over Kou in view of Flurry.

With regard to claim 18, this claim is patentable over Kou in view of Flurry because it recites “wherein the client machine originally generated ESID.” As discussed above, even if the cookie discussed in Kou and the token discussed in Flurry were the same thing as the ESID claimed in this claim (which Applicants assert that they are not), neither Kou nor Flurry discusses that they are originally generated by a client machine. Thus, for least these reasons, this claim is patentable over Kou in view of Flurry.

For at least the reasons stated above with respect to independent claim 12, dependent claims 19-22, which depend from independent claim 18, are patentable over Kou in view of Flurry.

Therefore, it is submitted that the skilled artisan would not have resulted in the subject matter recited in the claims by combining Kou with Flurry. Accordingly, the rejections under 35 USC § 103(a) should be withdrawn and all claims should be allowed.

Concluding Comments

It is believed that all the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with

regard to any claim, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment or prior claims. By the foregoing amendments, discussion and remarks, Applicants submit that this Application is now in condition for allowance and respectfully request action to this effect. Should the Examiner have any questions with regard to this response, the Examiner is invited to call the undersigned.

The Director is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account 50-0311, Reference No. 34874-060. The Director is further authorized to charge any required fee(s) under 37 C.F.R. §§ 1.19, 1.20, and 1.21 to the abovementioned Deposit Account.

Respectfully submitted,



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